

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:04cr26WSu

RUSSELL MONTAGUE

MOTION TO SET AMOUNT OF RESTITUTION
DUE AND OWING RANDELL EDWARDS

The United States Attorney, through his Assistant, moves the Court for an Order setting the amount of restitution due and owing Randell Edwards under the Memorandum of Understanding and the Order of Restitution previously entered in this matter. In support of this motion, the United States would show the following:

1. This defendant was one of four (4) co-defendants who entered pleas of guilty to offenses involving the theft of firearms. Defendant Montague was sentenced on February 23, 2005.

2. The terms of the Memorandum of Understanding of each defendant contained an agreement that “the Court will require the defendant to pay whatever sum it deems appropriate as restitution in this case” (Paragraph #8, Memorandum of Understanding).

4. The amount of restitution owed to the owner of the firearms (Randell Edwards), had not been determined at the time of Montague’s sentencing, but has recently been submitted in the total amount of \$6,250.00.

The United States now moves the Court to modify the Order of Restitution as to each defendant, setting a definite amount of restitution, that being a total of \$6,250.00 owed to Randell Edwards, and to assess each defendant an equal amount of liability totaling **\$1,562.50**

each, due and owing to Randell Edwards.

Respectfully submitted,

DUNN LAMPTON
United States Attorney

By:

LINDA R. ANDERSON
Assistant U.S. Attorney
MS Bar # 1582

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she has this date mailed, postage prepaid, a true and correct copy of the foregoing Government's Motion to Set Amount of Restitution Due and Owing Randell Edwards, to John M. Colette, 401 E. Capitol St., Suite 302, Jackson, Mississippi 39201, attorney for defendant.

WITNESS this the 21st day of April, 2005.

DUNN LAMPTON
United States Attorney

By: /s/ Linda R. Anderson

LINDA R. ANDERSON
Assistant U. S. Attorney
MS Bar # 1582